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May 8, 2015

Via ECF

The Honorable Andrew J. Peck
United States Magistrate Judge for the
Southern District of New York
500 Pearl Street
New York New York 10007

Re: *Rafael Mota v. Bruckner Forever Young Social Adult Day Care Inc, et al.*;
Docket No. 15-CV-00064

Dear Judge Peck:

This office represents the Plaintiff, Rafael Mota, in the above-referenced wage and hour matter brought as, *inter alia*, a collective action under Section 216(b) of the Fair Labor Standards Act, which Judge Daniels referred to Your Honor for settlement on May 8, 2015. The Defendants had previously written to Judge Daniels to request a settlement conference, without our consent, on May 5, 2015. We were in the process of writing to Judge Daniels to oppose the Defendants' request when he referred the matter to this Court for that purpose. Thus, we now submit this opposition to Your Honor instead of to Judge Daniels.

Plaintiff filed his complaint on January 9, 2015. Since then an additional plaintiff, Angel Navarro, has opted into this matter. To date, Defendants have made two Rule 68 offers to Plaintiff Mota, which he rejected. Since then, Plaintiff has initiated communication with Defendants regarding settling this matter outside of a court-ordered settlement conference, with intentions of settling for an amount significantly greater than the Rule 68 offers. Respectfully, Plaintiff does not think it is an efficient use of the parties' time at this juncture to schedule a conference. Instead of a settlement conference, Plaintiff requests that Your Honor set a time by which these settlement discussions should be concluded, and a date by which to report to Your Honor the results of same.

Plaintiff also takes this opportunity to note that while the parties can certainly discuss settlement for Plaintiff Mota, Plaintiff intends to move for conditional certification of the collective very soon, as there are other similarly-situated former and current employees that should be notified of their right to opt into this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Vivian Walton', with a horizontal line underneath it.

Vivian Walton, Esq.
For the Firm

VW:amm

C: Client